

**REMARKS**

Independent claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hidary (US 5,774,664) in view of Parasnis et al. (US 6,728,753). In the rejection the examiner completely ignores the limitation "transmitting said video information in the form of television programming to ... the web site hosting facility." Perhaps this is because the examiner rejected claim 1 under 35 U.S.C. § 112 ¶1 as failing to comply with the written description requirement. But the examiner erred in not considering the aforementioned limitation. For example, when evaluating claims for obviousness under 35 U.S.C. § 103, all the limitations of the claim must be taught or suggested by the prior art. This includes considering limitations that do not find support in the specification as originally filed. See M.P.E.P. § 2143.03 *All Claim Limitations Must be Taught or Suggested*. Because the examiner has not shown that all of the limitations have been taught or suggested in the cited art *prima facie* obviousness has not been established.

Moreover, contrary to the examiner's assertions, the specification does support the limitation in question. First, the limitation of claim 1 recites, "transmitting said video information in the form of television programming to a plurality of receivers and said web site hosting facility" which is different than the limitation cited by the examiner. Second, the specification supports the inclusion of this limitation. For example, original claim 1 recites sending scheduling information to a web site hosting facility about when a uniform resource locator will be transmitted, and transmitting television programming. Original claim 3, which depends from claim 1, recites sending the scheduling information with the television programming and ancillary data. Because the scheduling information is sent to a web site hosting facility in original claim 1, the scheduling information, television programming, and ancillary data are all sent to the web site hosting facility in original claim 3. Thus, at least the claims as originally filed contemplate sending scheduling information with television programming and ancillary data to a web site hosting facility. Moreover, as the term "video" may refer to "the filming or videotaping of a television program so as to convey candid realism," and the term "information" may refer to "a signal or character (as in a communication system or computer) representing data" television programming may include video information. See Merriam-Webster's Collegiate Dictionary, eleventh edition.

In an embodiment of the present invention, the web hosting facility may receive an early warning; in another embodiment the web hosting facility may receive the early warning and/or a

later warning. Therefore it is submitted that the specification supports receiving, at the web hosting facility, programming information such as television programming and ancillary data such as a uniform resource locator (URL). This may be the same programming information and ancillary data that is communicated to a plurality of receivers. See, specification, page 3, lines 16—page 5, line 2.

Hidary does not teach sending scheduling information to a server to be accessed before distributing video programming to enable the server to prepare for an increase access load. See Office Action. Additionally, in Figure 4 of Hidary the TV broadcast signal is only transmitted to locations other than a web site server. See Figure 4, reference number 86.

The examiner does not assert and therefore has not shown that Parasnis cures the deficiency of Hidary. Additionally, Parasnis has nothing to do with television programming or distributing a URL that is associated with the television programming. As neither Hidary nor Parasnis disclose or suggest all of the limitations of claims 1, 11, or 21 reconsideration of each of the claim rejections (independent and dependent) is requested.

In view of the remarks herein, the application should now be in condition for allowance. The examiner's prompt action in accordance therewith is requested. The commissioner is authorized to charge any necessary fees or to credit any overpayment to deposit account 20-1504 (ITL.0367US).

Respectfully submitted,

Date: March 21, 2006



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